

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

No.	CV 23-01704-SVW (AS)	Date	December 13, 2023
Title	<i>Orion Milium v. John Merchant, Acting Warden</i>		

Present: The Honorable	Alka Sagar, United States Magistrate Judge		
Alma Felix	Not reported		
Deputy Clerk	Court Reporter / Recorder		
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:		
Not present	Not present		

Proceedings (In Chambers): **Order To Show Cause**

On August 20, 2023, Petitioner, who is represented by counsel, filed a Petition for Writ of Habeas Corpus by a Person in State Custody (“Petition”), pursuant to 28 U.S.C. § 2254. (Dkt. No. 1). On November 6, 2023, Respondent Jon Merchant filed a Motion to Dismiss the Petition, and lodged supporting documents, contending that the petition should be dismissed as untimely. (Dkt. Nos. 8-9). The Court’s September 5, 2023 Order directed Petitioner to file an opposition to any motion to dismiss, or statement of non-opposition, no later than thirty days after service of the motion. (Dkt. No. 6 at 3).

To date, Petitioner has failed to file an Opposition to the Motion to Dismiss or request an extension of time to do so.

Accordingly, Petitioner is ORDERED TO SHOW CAUSE within **twenty-one (21) days** of the date of this Order (by no later than **January 3, 2024**), why this action should not be dismissed with prejudice for failure to prosecute and/or for failure to comply with Court orders. Petitioner may discharge this Order by filing an Opposition to the Motion to Dismiss, or by filing a declaration under penalty of perjury stating why he is unable to do so.

If Petitioner no longer wishes to pursue this action, he may request a voluntary dismissal of this action pursuant to Fed. R. Civ. P. 41(a). A Notice of Dismissal form is attached for Petitioner’s convenience.

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Petitioner is warned that the failure to timely file a response to this Order may result in a recommendation that this action be dismissed with prejudice for his failure to prosecute and/or obey court orders. See Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

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Initials of Preparer _____